



Application for

Zoning Variance

Administrative Adjustment or Nonconforming Alteration

VAR
2/09

City of Rockville

Department of Community Planning and Development Services

111 Maryland Avenue, Rockville, Maryland 20850

Phone: 240-314-8200 • Fax: 240-314-8210 • E-mail: Cpds@rockvillemd.gov • Web site: www.rockvillemd.gov

Type of Application being applied for: ☒ Zoning Variance ☐ Administrative Adjustment ☐ Nonconforming Alteration

Variance Application Compliance (Form VA-09)

Summary: The purpose of the non-conforming size of the desired workshop structure is to maintain, if not improve, the aesthetic nature of the pre-existing current structure (garage). The plan shows a structure that will extend from the back of the pre-existing garage by an additional 13 feet, without disturbing surrounding trees or neighboring properties. The proposed structure will attach to the garage, and like the garage, will be built with siding, a shingled roof, gutters, and a window, all elements that blend in form and structure and color to the existing structure while maintaining compatibility with the general character of the surrounding neighborhood zone. Hence, the Applicant's goal is to attractively streamline the already existing garage structure with a modest-sized bumped out structure that will be used as a workshop for woodworking and antique repair and refinishing. The proposed structural alteration does not exceed that amount reasonably necessary to accomplish the purpose of the structural enlargement nor does it show any negative impacts on the public health, safety, and welfare of the nearby properties.

1. Explain why the granting of the variance is necessitated by conditions unique to the property

A pre-existing garage structure and large trees represent conditions unique to the property: The previous owner of the property erected an accessory structure (garage) located to the side of the backyard expanding 491 square feet. The garage is pre-existing and was not erected by the applicant, and is an unusual feature for this type of home in the R-60 zone. Homes in R-60 type zones were not originally built with attached or detached garages located in the backyard of these properties. Additionally, the available backyard area is also restricted by large, mature trees which set on the property. The Applicant wishes to avoid removal of the trees on the property.

Removal of the trees or modifying the size of the pre-existing structure would cause unnecessary burden and hardship for the Applicant.

2. Explain why the granting of the variance will not be contrary to the public interest or injurious to the neighborhood.

The granting of the variance will neither be contrary to the public interest nor injurious to the public. The proposed structure presents NO harm or potential injury in any way to the safety or well-being of the residents or to the surrounding properties. As a Homeowner of 1208 Allison Drive for over 22 years, the Applicant has a personal interest in endorsing and securing the public's standard for preserving the beauty, safety, and economic health of the community.



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The Applicant's structural plans uphold the spirit and intent of the Ordinance by including in the structural plans the construction of a firewall which faces the neighbor's property line on 1206 Allison. Also, the structural plans also provide the following benefits to the public interest:

- a. **Noise Reduction** – **The Applicant's purpose for the non-conforming size in area of the structure is to contain all noise-producing woodworking activities inside the structure.** The granting of the variance serves the public interest because the size of the structure will allow noise-producing woodworking activities that involve hammering, sawing, drilling, and other noisy power tools and activities to be contained within the walls of the structure, thereby greatly reducing the potential noise level that normally accompanies woodworking activities.
- b. **Containing and Concealing Debris** – **The Applicant's purpose for the non-conforming size in area of the structure is to contain and conceal unsightly debris.** The granting of the variance serves the public interest because the size of the structure serves to contain and conceal the debris (that accompanies normal woodworking activity) away from the neighbors' view.
- c. **Conserving the Trees** – **The Applicant's purpose for the non-conforming size in area of the structure is to avoid the undesirable option to remove trees on the Applicant's property in order to build a separate structure in their place.** Granting of the Variance allows the Applicant to preserve the trees with the option to attach the structure to the garage and avoiding contact with or tearing down the established trees that currently exist on the property. Also, adding to the pre-existing structure in like and form is an aesthetic preference to building a separate structure elsewhere on the property.
- d. **Preserving Safety and Avoiding Injury to Residents** – **The Applicant's purpose for the non-conforming size in area of the structure is to create a structure large enough to both use and house woodworking tools, supplies and equipment in order to avoid potential injury to residents.** The granting of the variance serves the public interest because it allows the Applicant the ability to contain all woodworking tools, supplies, and equipment both while storing and using them. Containing the materials out and away from the public view will avoid residents, children and animals from accidentally entangling, tripping, stumbling, and/or falling over exposed equipment that remains in open view, and could potentially lead to a resulting lawsuit against the Applicant.

3. **Explain why not granting the variance would result in practical difficulty in the use of the property.**



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The Applicant plans to perform her woodworking and antique repair and refinishing activities as a full-time hobby and also for potential supplemental income during her retirement which will begin in a few short years, an imminent and life-changing event. **Not granting the Variance would result in reducing the quality of life for the Applicant** as it limits greatly the ability to fulfill these life plans.

If the Applicant is left with no other choice other than to store and use these materials on the property unsecured, the risk of property damage, personal injury, or theft may impend. Additional difficulties include the following:

Unnecessary Expenses/Inability to Access tools and equipment for regular use: Not granting the variance would force the Applicant to have to pay to store the items in a nearby commercial storage unit. Storing the items in a storage unit located away from the property would result in practical difficulty and unnecessary expense, because the Applicant has no practical access to and use of the tools and materials for which they are intended.

Limitations presented by Heavy Self-Standing Equipment: Not granting the variance would result in practical difficulty for the Applicant because the Applicant would have no practical way to store and use the equipment and tools in a space amenable to this kind of activity which requires the provision of electrical power, lighting, and space for working. The structure proposed provides the space for storing and using heavy self-standing table saws and other stationary tools that do not allow for ease of mobility. The Applicant needs the space to store and use standard woodworking tools such as a Table Saw, Router Table, Band Saw, Drill Press, Grinder, Miter Saw with Stand, and a Workbench along with other woodworking and refinishing materials. The space also allows protection of the Applicant, her tools, equipment and materials from inclement weather such as rain, snow, and icy conditions. Granting the variance will allow the Applicant the ability to heat the proposed area with a portable heater in the winter while staying dry and protected from the snow and rain. Granting of the variance would allow the applicant to perform her love of woodworking on a daily basis year-round.

4. Explain why the approval of the variance is not inconsistent with the purposes of the Zoning Ordinance.

An approval of the variance would not be inconsistent with the purposes of the zoning ordinance, but, rather, would support its purposes by maintaining the spirit of its intentions to continue to maintain the beauty and overall safety of both the Applicant's property and neighboring properties. By design, the backyard lots for R-60 are generally smaller in area in comparison to the area of Applicant's backyard. The deep and continuous size of the Applicant's backyard is larger than the average plat in Zone R-60. The Applicant's total lot size is 7,689 square feet. Her backyard area covers a total of 5,077 square feet. The garage and



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proposed bumped-out structure would cover a total area of 751 square feet and still leave a total of 4,236 square feet of undeveloped backyard area. Also, the plan shows an ample distance of 33 feet between the back of the newly proposed structure and the rear property line.

Additionally, the Planning Commission will find for the proposal that the Applicant has shown the following:

- The proposed alteration does not exceed that amount reasonably necessary to accomplish the purpose of the structural alteration, expansion, or enlargement of the areas as permitted by Section 25.08.06.b.3(b).*
- The proposed structure is compatible with the general character of the surrounding neighborhood zone.*
- The proposed structure will not nor does it show to potentially have any negative impacts on the public health, safety, and welfare of the nearby properties.*